

### REMARKS

Claims remaining in the present application are Claims 21-37. Claims 1-20 have been cancelled, without prejudice. Claims 21-37 have been added. The title of the specification has been amended and the specification has been amended. No new matter has been added as a result of these amendments.

### SPECIFICATION

The title of the invention has been objected to. Applicants have amended the title to read, "Automatic Tracking Of User Progress in a Software Application." Applicants respectfully assert that the title is reflective of the invention as claimed. Applicants respectfully request approval of the amended title.

### DRAWINGS

Applicants will submit formal drawings in due course.

### CLAIM REJECTIONS

#### 35 U.S.C. §102

Claims 1 and 3 are rejected under 35 U.S.C. §102(e) as being anticipated by Choate, "Method of and system for monitoring an application," US 2001/0054026 A1 Dec. 20, 2001. The rejection is moot in light of the claim cancellations, without prejudice.

35 U.S.C. §102

Claim 2

Claim 2 is rejected under 35 U.S.C. §103(b) as being unpatentable over Choate in view of Bezick et al. 5,746,656 (hereinafter, Bezick). The rejection is moot in light of the claim cancellation, without prejudice.

Claims 4-5

Claims 4-5 are rejected under 35 U.S.C. §103(b) as being unpatentable over Choate in view of Nakijima et al. 6,442,669 (hereinafter, Nakijima). The rejection is moot in light of the claim cancellations, without prejudice.

Claims 6-8

Claims 6-8 are rejected under 35 U.S.C. §103(b) as being unpatentable over Choate in view of Nakijima and "Official Notice". The rejection is moot in light of the claim cancellations, without prejudice.

Claims 9-15

Claims 9-15 are rejected under 35 U.S.C. §103(b) as being unpatentable over Choate in view of "Official Notice". The rejection is moot in light of the claim cancellations, without prejudice.

Claims 16-20

Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. U.S. Pat. No. 5,796,952 (hereinafter, Davis) in

view of applicants admitted prior art (AAPA). The rejection is moot in light of the claim cancellations, without prejudice.

#### NEW CLAIMS

Claims 21-37 have been added. Support for Claim 21, 25-26 and 34 may be found in the specification at least at page 12, line 2 - page 14, line 22 and in Figure 4. Support for Claims 22, 28-31, and 36-37 may be found in the specification at least at page 10, lines 2-4 and at page 10, line 23 - page 11, line 4. Support for Claim 23, 27, and 35 may be found in the specification at least at page 13, lines 20-23. Support for Claims 24 and 33 may be found in the specification at least at page 14, line 22 - page 16, line 5. Support for Claim 32 may be found in the specification at least at page 14, lines 9-13. No new matter has been added as a result of these claim amendments.

New Independent Claim 21 recites, in part:

storing said provided measure of user progress and said second content descriptor, wherein said software application provides said provided measure of user progress.

Applicants respectfully assert that the prior art fails to teach or suggest these limitations. For example, Choate fails to teach or suggest, "wherein said software application provides said provided measure of user progress." Choate indicates that the application information that is transmitted may

include certain information, such as, configuration of the Application, the number of users of an application, the number of workstations where the application is installed, the length of time the application has resided on a workstation, the amount of time an application has been used on a workstation or a group of workstations [Choate, ¶ 20]. None of these are understood to be the claimed “wherein said software application provides said provided measure of user progress.” Choate also indicates that the application information may include details about deployment, such as installation details. Applicants respectfully assert that neither the deployment details nor the usage details described by Choate teach the claimed, “wherein said software application provides said provided measure of user progress.”

Applicants further respectfully assert that Choate’s teaching of metering usage of content files on the Internet (¶ 31) does not teach or suggest the claimed, “wherein said software application provides said provided measure of user progress.”

New Independent Claim 25 recites, in part:

storing said first usage value and said second usage value associated respectively with said first descriptor and said second descriptor, wherein said first usage value and said second usage value

define said user interaction with said first and second portions of said software application.

Applicants respectfully assert that the above limitations are neither taught nor suggested in the prior art. For example, Choate is concerned with usage of an entire application and hence fails to teach or suggest, “wherein said first usage value and said second usage value define said user interaction with said first and second portions of said software application,” as claimed.

New Independent Claim 34 recites, in part:

an operating system running on said electronic device accessing a program call from said software application, said program call comprising a content descriptor and one of a request to start measuring and a measure of user progress in said software application.

Applicants respectfully assert that the above limitations are neither taught nor suggested in the prior art. For example, Choate teaches a system in which a server (fig. 1 , 1) monitors application usage on a network (abstract). Thus, Choate fails to teach or suggest the above limitations.

New Claims 22-24, 26-33 and 35-37 depend from independent claims 21, 25, and 34, which are respectfully believed to be allowable for the foregoing reasons. Therefore, Claims 22-24, 26-33 and 35-37 are respectfully believed to be allowable

### CONCLUSION

In light of the above listed amendments and remarks, reconsideration of the rejected claims is requested. Based on the arguments and amendments presented above, it is respectfully submitted that Claims 21-37 overcome the rejections of record and, therefore, allowance of Claims 21-37 is solicited.

Should the Examiner have a question regarding the instant amendment and response, the Applicants invite the Examiner to contact the Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

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